

Monte J. White & Associates, P.C.
1106 Brook Ave, Hamilton Place
Wichita Falls, TX 76301
(940)723-0099
(940)723-0096 Fax

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

IN RE: §
David William Knight § CASE NO. 05-71031-HDH-13
§
§
DEBTOR §

DEBTOR'S OBJECTION TO ALLOWANCE OF CLAIM
OF EMC Mortgage (Claim #17-1)

Debtor in the above-entitled cause file this Objection to the Claim filed in this matter by EMC Mortgage and would respectfully show the Court as follows:

1. EMC Mortgage has filed a supplemental secured Proof of Claim for \$23,794.46.
2. Claimant states in Exhibit A of the proof of claim that the amount is due and owing for "funds advanced for delinquent taxes". There are no other specifics mentioned in the exhibit.
3. The 2004 and 2005 property taxes for Wichita County, City of Wichita Falls, and Wichita Falls ISD were included in Chapter 13 plan.
4. EMC Mortgage has disbursed funds in the amount \$23,818.91 less the amount of \$5,192.17 which was refunded to them from the tax collector as an overpayment. These payments were posted to the 2005, 2006, and 2007 property tax amounts.
5. The 2006 and 2007 taxes for all three entities only total \$11,816.56.
6. The correct amount of the supplemental proof of claim should be \$18,626.74.

FOR THESE REASONS, Debtors request that the claim of EMC Mortgage #17-1 is disallowed in the amount of \$23,794.46 and allowed in the amount of \$18,626.74 and for additional or alternative relief as may be just and proper.

Respectfully submitted,

/s/Monte J. White
Monte J. White & Associates, P.C.
1106 Brook Ave, Hamilton Place
Wichita Falls, TX 76301
(940)723-0099
(940)723-0096 Fax

IMPORTANT NOTICE

PURSUANT TO LOCAL BANKRUPTCY RULE 9007, YOU ARE HEREBY NOTIFIED THAT NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT ON OR BEFORE THIRTY (30) DAYS FROM THE DATE OF SERVICE HEREOF.

ANY RESPONSE MUST BE FILED WITH THE CLERK, AND A COPY MUST BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED A HEARING WILL BE HELD WITH NOTICE TO (1) THE DEBTOR AND DEBTOR'S ATTORNEY; (2) THE OFFICE OF THE U.S. TRUSTEE; (3) ANY TRUSTEE AND THE TRUSTEE'S ATTORNEY; (4) THE MEMBERS OF ANY OFFICIAL COMMITTEE, OR THE ATTORNEY FOR ANY OFFICIAL COMMITTEE IF AN ATTORNEY HAS BEEN EMPLOYED; OR, IF THERE IS NO COMMITTEE, THE TWENTY (20) LARGEST UNSECURED CREDITORS; (5) ANY PARTY REQUESTING NOTICE; (6) ANY PARTY NAMED ON A COURT-APPROVED ALTERNATIVE SERVICE LIST; (7) THE RESPONDING PARTIES; AND (8) ANY OTHER AFFECTED ENTITY.

IF NO HEARING ON SUCH NOTICE OR MOTION INITIATING A CONTESTED MATTER IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.

CERTIFICATE OF SERVICE

The undersigned hereby certified that on October 22, 2008, a true and correct copy of the foregoing was served on the following parties in interest by ECF and/or regular mail:

CHAPTER 13 TRUSTEE

Mr. Walter O'Cheskey
6308 Iola
Lubbock, TX 79424

DEBTORS

David William Knight
5125 Wakefield
Wichita Falls, TX 76310

U.S. TRUSTEE

William T. Neary
1100 Commerce, Rm. 9C60
Dallas, Texas 75242

CREDITOR

EMC Mortgage
Po Box 141358
Irving, TX 75014

/s/Monte J. White